

Conservation Plans for Projects Receiving Farmland Protection Implementation Grants (FPIG)

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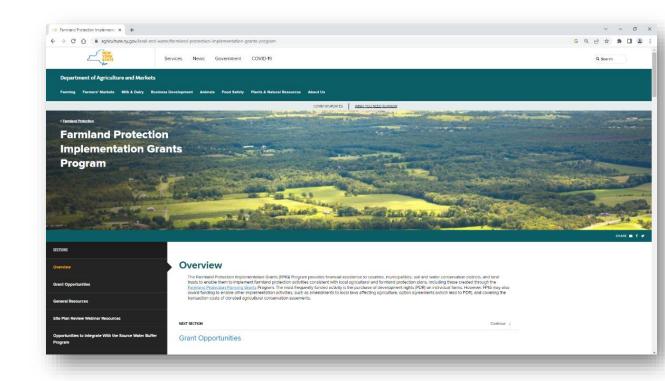
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Today's Agenda

Farmers Partnering to Protect Our Environment

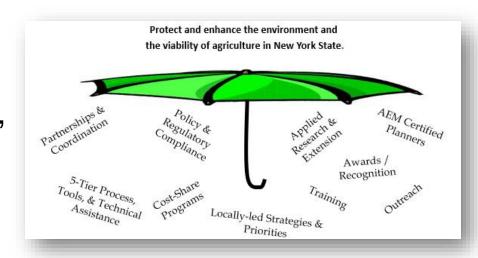
County Soil & Water Conservation District Agricultural Environment Management

- Agricultural Environmental Management (AEM) Overview
- AEM and Conservation Plans during FPIG project phases
 - Application Phase
 - Award Notification Phase
 - Project File Submission Phase
- Questions / Discussion
- Next Steps



Agricultural Environmental Management Overview

- AEM a consistent framework for over 20 years to partner with farmers on environmental management and farm viability
 - Open to all farmers
 - Voluntary, incentive-based, and adoption driven
 - Locally-led by SWCDs
 - Science-based process of conservation planning, prioritization, and implementation
 - Technical assistance coupled with cost-share funding programs
 - Focused on trust and relationship building; confidential
 - NYS AEM Law in 2000 and adaptive to future priorities







Agricultural Environmental Management Overview

Follows a 5-Tiered approach

- Inventories basic farm information and interests (Tier 1)
- Assesses existing stewardship and environmental risks (Tier 2)
- Develops conservation plans (Tier 3)
- Implements Best Management Practices (BMP) Systems using NRCS Standards (Tier 4)
- Evaluates outcomes and updates plans (Tier 5)

May 2005 – December 2021 S	Snapshot	
AEM Tiers across all SWCDs	AEM Tier Work Completed	Accomplishments roughly doubled if USDA NRCS and FSA programs were included in the
Tier 1 Inventory	11,332	table.
Tier 2 Assessments	6,999	Estimated that
Tier 3 Plans	4,361	approximately half of all commercial farms and
Tier 4 BMP Systems	Over 13,300 practices on 2,500 farms	acres in NYS are engaged in AEM or partner conservation
Tier 5A Assessment Updates	2,060	work.
Tier 5B Plan/BMP Evaluations	4,870	





Agricultural Environmental Management Overview

- AEM is the key technical framework for the State's agricultural conservation initiatives
 - AEM related technical assistance and cost-share programs via SWCDs
 - 9 Element Watershed Management/TMDL Planning/HABs Action Plans
 - Farmland Protection
 - NYS Grown and Certified
 - NYS DEC CAFO Permit
 - Climate Action Council Scoping Plan Ag and Forestry Chapter
 - Cooperative work with partners







 Landowner (and associated FPIG applicant entity/awardee) must provide required documentation during FPIG project phases



Application Phase:

Application/proposal phase: AEM or Equivalent Landowner Participation Verification Form

NYS Farmland Protection Implementation Grant (FPIG)

Agricultural Environmental Management (AEM) or Equivalent Landowner Participation Verification Form

 Is there an AEM Tier 3 Conservation Plan (or equivalent) less than 3-years old for the lands to be encumbered by the proposed agricultural conservation easement(s) associated with this proposed project (circle one)?

Yes No

- If yes, then the necessary level of AEM (or equivalent) landowner participation to permit
 the submission of an application/proposal for FPIG funding consideration has been
 verified. Leave question 2 blank and please complete the verification section on the
 next page.
- If no, proceed to question 2.
- Is there an AEM Tier 2 Assessment (or equivalent) less than 3-years old for the lands to be encumbered by the proposed agricultural conservation easement(s) associated with this proposed project (circle one)?

Yes No

- If yes, then the necessary level of AEM (or equivalent) landowner participation to permit
 the submission of an application/proposal for FPIG funding consideration has been
 verified. Please complete the verification section on the next page.
- If no, stop and perform an AEM Tier 2 assessment (or equivalent) for the lands to be encumbered by the proposed agricultural conservation easement(s) associated with this proposed project. Once that assessment is compiled, please complete the verification section on the next page.

A selection of "Yes" for question 1 or 2 on the preceding page verifies AEM (or equivalent) landowner participation across all lands to be encumbered by the proposed agricultural conservation easement(s) associated with the proposed project. Therefore, the lands associated with the farm named below may be part of an FPIG funding request.

Farm Operator and District/Planne	r Verification
Date of Verification	
Farm Name	
Farm Operator Name	
AEM Farm ID#	
Landowner Name (if different than Farm Operator)	
Circle one: Conservation District (county and staff name) or	AEM Certified Planner (planner
name)	
I hereby affirm under penalty of perjury that information provi statements are true to the best of my knowledge and belief. Farm Operator Signature: District or Planner Signature:	Date



 Landowner (and associated FPIG applicant entity/awardee) must provide required documentation during FPIG project phases

Award Notification Phase:

- Landowners were notified by AGM and instructed to contact their District or an AEM Certified Planner for technical assistance because the landowner – no one else – is required to provide a current conservation plan to the FPIG awardee prior to the Project File Submission Phase.
- Current plan may already exist if so, it may require no additional work, or it may only require supplemental info/updates.
- Any landowner who leases property to more than one operator will likely require more than one conservation plan i.e., one plan per operator.

See: Notification to All Participating Landowners in Any Agricultural Conservation Easement Project Receiving a Farmland Protection Implementation Grant (FPIG)



Sequence of Communications Regarding a Conservation Plan Associated with an FPIG-Awarded Agricultural Conservation Fasement Project

Application/Proposal Phase

Each new FPIG grant opportunity will require the applicant entity to submit a NYS Farmland Protection Implementation Grant (FPIG) Agricultural Environmental Management (AEM) or Equivalent Landowne Participation Verification Form (ottoched) as part of its application/proposal for the subject property. One of these is required for each conservation easement comprising the proposed project.

Award Notification:

One of the attachments to an FPIG award notification letter, which is sent to the applicant entity and "cc" to the participating landowner(s), will be a notification directed at the participating landowner(s), will be a notification directed at the participating landowner(s) to alert each landowner of the FPIG requirement to obtain or document an existing AEM Tier 3 (or higher) Conservation Plan (or its equivalent) for the land to be protected by each Agricultural Conservation Plan (or its equivalent) for the land to be protected by each Agricultural Conservation Plan (and the proposed project. Amy participating landowner whose property is to be encumbered by an agricultural conservation easement that is the subject of an AEM Tier 2 environmental assessment (or its equivalent) that indicates a high level of existing stewardship and no resource concerns needing attention shall be considered to have satisfied the minimum requirement for a Tier 3 conservation plan. (Please note: This does not preclude any landowner or any farmer leasing such lands to pursue enhanced levels of conservation through further conservation planning.) However, please note that for any project receiving an FPIG award under the (a) Climate Resiliency or (b) Source Water Protection category, its acceptable Conservation Plan (whether 3 Tier 2 assessment or a Tier 3 or higher plan) must also document the (a) agricultural practices and management that willi increase of resiliency of the Farm Operation to changing climate impacts (e.g., intense storms, drought, increased persist, heat stress, etc.) or (b) oil and water conservation Practice and agricultural management that will provide protection to known or potential source(s) of public drinking water that underlie, abut, or transect the Property, respectively. This notification will stipulate that the required Conservation Plan is expected to be completed prior to the awarded applicant entity's submission of a complete Projec File to the Department, which is anticipated no later than 18 month

Project File Submission (i.e., contract deliverable)

Every FPIG grant opportunity will contain the text shown below regarding one of the required contract deliverables; this is the third of three contract deliverables submitted to the Department in association with an awarded FPIG contract. Item #6 is a document (attached) that is now a required component in each submitted Project File.

Project File

After the Department has given its preliminary approval of the proposed Agricultural Conservation Easement Project, the local project manager shall compile and must submit (within eighteen (18) months of state approval of the funding agreement) these required project deliverables (referred to as a project file):

- Landowner Letter of Intent to Convey Conservation Easement(s) on Viable Agricultural Land that has been signed by each owner of the land to be subject to each conservation easement comprising the proposed project;
- (2) Financial Worksheet;

Page 1 of 2



 Landowner (and associated FPIG applicant entity/awardee) must provide required documentation during FPIG project phases



Award Notification Phase: (continued)

PLEASE NOTE:

Typically, the FPIG awardee must achieve the Project File Submission Phase approximately 18 months following the date that the FPIG contract is approved by the New York Office of State Comptroller (OSC); each required conservation plan is expected to be completed by that time. Since the landowner was notified by AGM of the conservation plan requirement no less than two months prior to OSC approval of the FPIG contract, every landowner shall have more than ample time to obtain a new or revised conservation plan well in advance of the Project File Submission Phase of that FPIG-awarded project.

Accordingly, no District Planner or AEM Certified Planner should ever be requested by any landowner to develop or revise a conservation plan within an unreasonable or unrealistic timeframe as solely determined by that planner. If any landowner should do so, that planner is urged to contact Dave Behm (<u>David.Behm@agriculture.ny.gov</u>) at AGM.

- "Acceptable Conservation Plan"
 - AEM Tier 3 Plan or equivalent for the lands being protected.
 - Equivalent = CNMP from a private sector AEM Certified Planner (for example, for CAFO, DAP, or an NRCS program)
 or another plan type from an NRCS program.

or

- AEM Tier 2 Assessment indicating a high level of existing stewardship (1 or 2 summary risk ratings), i.e., no resource concerns.
 - This satisfies the AEM Tier 3 plan requirement for **most** FPIG projects. *Please refer to the two exceptions.*
 - **NOTE:** If the Tier 2 Assessment indicates resource concerns, then a Tier 3 Plan must be developed to address those concerns.

NOTE: Development of Conservation Plan will likely be ongoing during FPIG contract period and prior to Project File Submission Phase



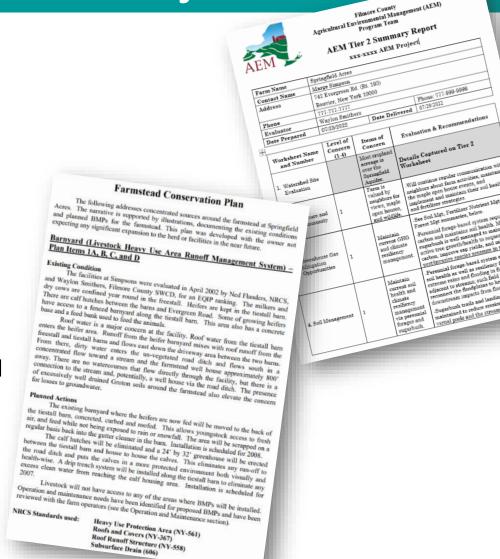
- "Acceptable Conservation Plan" Exception #1
 - FPIG project awarded in <u>Climate Resiliency</u> category **must also document** the agricultural practices and management that will increase resiliency of the farm operation to changing climate impacts (e.g., intense storms, drought, increased pests, heat stress, etc.)
 - May be documented as either
 - Tier 2 Assessment Summary Report indicating a high level of stewardship <u>or</u>
 - Tier 3 plan.

NOTE: Development of Conservation Plan will likely be ongoing during FPIG contract period and prior to Project File Submission Phase



- "Acceptable Conservation Plan" Exception #2
 - FPIG project awarded in <u>Source Water Protection</u> category **must also document** the soil and water conservation practices and agricultural management that will provide protection to known or potential source(s) of public drinking water that underlie, abut, or transect the property
 - May be documented as either
 - Tier 2 Assessment Summary Report indicating a high level of stewardship <u>or</u>
 - Tier 3 plan.

NOTE: Development of Conservation Plan will likely be ongoing during FPIG contract period and prior to Project File Submission Phase



 Landowner (and associated FPIG applicant entity/awardee) must provide required documentation during FPIG project phases

Project File Submission Phase:

- Landowner or FPIG awardee will likely request this form be completed/signed
 - Part 1 (page 1 of 3) is completed/signed by the AEM-certified planner.

See: Status of Conservation Plan Certification Form

Status of Conservation Plan Certification Form

NOTE: All three parts must be completed and signed by those identified below before the Grantee submits this completed form (one per each conservation easement comprising this awarded project) to the Department as part of a complete Project File as required by the Farmland Protection Implementation Grants (FPIG) contract awarded to the Grantee for this project.

Farm	Operator Name
	Status of Conservation Plan Completion – Please select "A" or "B": completed/signed by person preparing the Conservation Plan)
A.	Conservation plan development underway; anticipated date of completion:
B.	Conservation plan or an acceptable AEM Tier 2 Assessment ¹ completed on
	If "B," select ONE:
	 Conservation plan or assessment documents the agricultural practices and management that will address any resource concerns within the designated Farm Area that were identified in the overall assessment of the land to be protected by the proposed perpetual agricultural conservation easement(s). Conservation plan or assessment documents the agricultural practices and management that will address any resource concerns within the designated Farm Area that were identified in the overall assessment of the land to be protected by the proposed perpetual agricultural conservation easement(s) and also documents the agricultural practices and management that will increase the resiliency of the Farm Operation to changing climate impacts (e.g., intense storms, drought, increased pests, heat stress, etc.). OR Conservation plan or assessment documents the agricultural practices and management that will address any resource concerns within the designated Farm Area that were identified in the overall assessment of the land to be protected by the proposed perpetual agricultural conservation easement(s) and also documents the soil and water conservation practices and agricultural management that will provide protection to known or potential source(s) of public drinking water that underlie, abut, or transect the Property.
I hereb	y affirm that the information provided in Part $\bf 1$ on this form is true to the best of my knowledge lief.
Signatu	re of Planner: Date:

¹ An acceptable AEM Tier 2 Assessment (or equivalent) is one that documents a high level of stewardship and no resource concerns across the management areas for the lands to be encumbered by the proposed agricultural conservation easement(s) associated with this proposed project.

 Landowner (and associated FPIG applicant entity/awardee) must provide required documentation during FPIG project phases

Project File Submission Phase: (continued)

- Landowner or FPIG awardee will likely request this form be completed/signed
 - Part 2 (page 2 of 3) is completed/signed by each participating landowner. NOTE: Depending upon the number of easements and landowners comprising any given project, there may be more than one of these forms required for a single FPIGawarded project.

See: Status of Conservation Plan Certification Form

Status of Conservation Plan Certification Form

	o Grantee. If so, you must provide an explanation as to whompleted and delivered to Grantee; please provide your
OR	
Required plan has been provided	to Grantee on
	ided in Part 2 on this form is true to the best of my knowle
and belief.	ided in Part 2 on this form is true to the best of my knowle Date:
and belief.	
and belief. Signature of Landowner:	Date:
ind belief. Signature of Landowner: Signature of Landowner:	Date:
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 Landowner (and associated FPIG applicant entity/awardee) must provide required documentation during FPIG project phases

Project File Submission Phase: (continued)

- Landowner or FPIG awardee will likely request this form be completed/signed
 - Part 3 (page 3 of 3) is completed/signed by FPIG awardee.

See: Status of Conservation Plan Certification Form

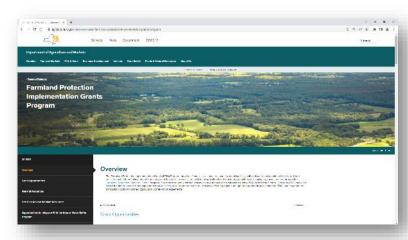
Part 3: Acknowledgment of Status by Grantee - Please select "A" or "B": (To be completed/signed by Grantee (or Lead Grantee) A. ___ Plan has not been received from landowner(s). If "A," select ONE: Closing of the conservation easement transaction associated with this FPIG contract will proceed as anticipated by the milestones identified in that FPIG contract even though we have not yet received the required conservation plan. Closing of the conservation easement transaction will NOT occur until such time that the required conservation plan has been received from Grantor and deemed acceptable. If necessary, we shall request a no-cost date extension amendment to this FPIG contract to enable the closing to proceed at a later date. Other: (Please provide your response in the box below.) Plan has been received from landowner(s). If "B," select ONE: (1) ____ Required plan has been received from Grantor and is deemed acceptable. Required plan has been received from Grantor and is not deemed acceptable. If so, you must provide an explanation as to why the required plan is not acceptable; please provide your response in the box below. I hereby affirm that the information provided in Part 3 on this form is true to the best of my knowledge and belief. Signature of Grantee

Status of Conservation Plan Certification Form

Today's Agenda – Synopsis and Discussion

- Agricultural Environmental Management (AEM) Program Overview
- Landowner (and associated FPIG applicant entity/awardee) must provide required documentation during FPIG project phases
 - Application/proposal phase
 - AEM Landowner Participation Verification Form (at least Tier 2)
 - Award Notification Phase
 - If no existing conservation plan, the landowner reaches out to develop a new AEM Tier 3 Plan or
 - Alternatively, the FPIG conservation plan requirement may be satisfied if the Tier 2 Assessment documents a high level of stewardship (1 or 2 summary risk ratings), i.e., no resource concerns.
 - For enhanced climate resiliency or source water protection funding categories, document those practices and management activities.
 - Project File Submission Phase
 - Status of Conservation Plan Certification Form
 - Questions / Discussion







Today's Agenda – Thank you!



Moving forward, if you have questions:

Dave Behm for FPIG questions/comments:

David.Behm@agriculture.ny.gov

Greg Albrecht for AEM-related questions/comments:

Greg.Albrecht@agriculture.ny.gov